

taken from one of the lots were found to contain less than 1 gallon, the labeled volume.

On January 18, January 22, and February 6, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 598 cans of salad oil in part at Newark, N.J., and in part at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, in various shipments, on or about December 8 and December 16, 1933, and January 12, 1934, by the Agash Refining Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Extra Fine Oil San Gennaro Brand Contains Virgin Olive Oil Fifteen Per Cent. Other Vegetable Oils eighty Five Per Cent. * * * With Harmless Color & Flavor, Perfected by the packers of Agash Olive Oil One Gallon, * * * The Olive Oil contained in this can is pressed from fresh picked fruit * * * The Perfect Blend by the packers of Agash Olive Oil, Agash Refining Corp., Brooklyn, N. Y."

It was alleged in the libels that the article was misbranded in that the statement, "Extra Fine Oil", the prominent statement, "Agash Olive Oil", and the statement, "The Olive Oil contained in this can is pressed from fresh picked fruit", appearing on the label, were misleading and deceived and misled the purchaser, since they created the impression that the article was olive oil, whereas it consisted chiefly of cottonseed oil, and this impression was not corrected by the inconspicuous reference in script on the label to the presence of 85 percent of other vegetable oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product for the reason that the statement on the label, "One Gallon," was false and misleading and deceived and misled the purchaser, since the cans contained less than 1 gallon, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Agash Refining Corporation having filed a claim as owner of the property and having executed good and sufficient bonds, decrees ordering that the product be released to the claimant were entered February 9 and March 2, 1934, and were subsequently amended under date of April 20, 1934. The decrees as amended contained formal admissions of the allegations of the libels, and consent by the claimant to the entry of the decrees, and ordered that the containers be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21957. Adulteration of sorghum. U. S. v. 2 Barrels and 2 Barrels of Sorghum. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31850, 31851. Sample no. 50510-A.)

This case involved interstate shipment of sorghum that was found to contain insects and extraneous filthy material.

On January 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four barrels of sorghum at Cincinnati, Ohio, consigned by Nathan Leadingham, of Beetle, Ky., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, from Hitchens, Ky., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 21, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21958. Adulteration of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 31852. Sample no. 41175-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On November 27, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 tubs of butter at

Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about November 18, 1933, by the Mount Hope Cooperative Creamery, from Mount Hope, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 8, 1933, the Mount Hope Cooperative Creamery Co., Mount Hope, Wis., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21959. Adulteration of apples. U. S. v. 450 Baskets of Apples. Consent decree of condemnation. Product released under bond for removal of deleterious ingredients. (F. & D. no. 31853. Sample no. 50502-A.)

This action involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On December 30, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 baskets of apples at Cincinnati, Ohio, consigned by J. J. Jackson & Son, from Middleport, N.Y., on or about December 23, 1933, alleging that the article had been shipped in interstate commerce from Middleport, N.Y., into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On January 2, 1934, Stephen Bender, Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the law. The deleterious ingredients were removed by washing.

M. L. WILSON, *Acting Secretary of Agriculture.*

21960. Adulteration of butter. U. S. v. 12 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31856. Sample no. 51799-A.)

This case involved a shipment of butter that contained insects, insect larvae, and filth.

On December 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 barrels of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1933, by the J. W. Buffington Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21961. Misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31857. Sample no. 58105-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On December 21, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of butter at